

REMARKS

In the Office Action dated September 9, 2003, claims 1, 2, and 4-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Machida et al.

By this Amendment, Applicant has amended claims 1, 2 and 17 to further define or clarify the subject matter of the invention. Accordingly, claims 1-17 are currently pending in this application among which claim 3 has been withdrawn from consideration due to a restriction requirement.

Applicant respectfully submits that independent claims 1 and 17, as amended, are allowable over Machida et al. Claims 1 and 17, as amended, each recite a combination of elements “comprising water, a pigment and two or more kinds of fine resin particles, wherein the dispersion polarity of the pigment in the water is the same as the dispersion polarity of each of the two or more kinds of fine resin particles in the water,” or like features. Machida et al. does not teach or suggest a combination of elements having at least the above-recited features. For example, Machida et al. does not teach or suggest a combination of water, a pigment and two or more kinds of fine resin particles.” Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claims 1 and 17, as amended. As instructed by MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Applicant further submits that independent claims 2, as amended, is allowable over Machida et al. Claim 2 recites the features of “mixing an aqueous dispersion of a pigment, and an aqueous dispersion of two or more kinds of fine resin particles to form a mixture of water, said pigment, and said two or more kinds of fine resin particles, the aqueous dispersion of two ore more kinds of find resin particles having a polarity same as the polarity of the aqueous dispersion of the pigment.” Machida et al. does not teach or suggest at least the above-recited features of claim 2. For example, Machida et al. does not teach or suggest a mixture of water, a pigment and two or more kinds of fine resin particles. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claim 2. As instructed by MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Further, Applicant respectfully submits that the feature of “the step of mixing an aqueous dispersion of a pigment, and an aqueous dispersion of two or more kinds of fine resin particles” has been present in the claim since the original filing of the instant application (June 22, 200). One of ordinary skill in the art would recognize that the term, “aqueous dispersion” means containing water. Thus, the instant amendment to claim 2 that additionally recites “to form a mixture of water, said pigment, and said two or more kinds of fine resin particles” does not change the originally intended scope of claim 2 with respect to the above-recited feature, and is made solely for clarification in this Amendment.

Dependent claims 4-16 are allowable at least because of their respective dependencies upon allowable claims 1 and 2 and for the additional features they recite.

CONCLUSION

In view of foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.


If there are any additional fees due in connection with the filing of this Preliminary Amendment, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 50-0310.

Respectfully submitted,

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Dated: December 9, 2003

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